**IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.**

Writ Petition No. 829 (S/S) of 2006

Sunil Dutt Badola,
S/o Sri P.R. Badola,
94/13 G, Dharampur, P.O. Araghar,
Dehradun, presently posted as Head Excise Constable,
Circle – I, Haridwar,
District – Haridwar. **…….Petitioner**

V e r s u s

1. The State of Uttaranchal through Secretary, Execise Department, Dehradun.
2. Excise Commissioner, (Karmik Avam Adhisthan) Uttaranchal, Dehradun.
3. Assistant Excise Commissioner, Haridwar, District – Haridwar.

**……..Respondents**

**Hon'ble M.M. Ghildiyal, J.**

1. Heard Sri G.S. Negi, learned counsel for the petitioner and learned standing counsel for respondents.

2. By means of this writ petition, the petitioner has prayed for the following reliefs:

   A. *to issue a writ, order or direction in the nature of mandamus commanding the respondents to correct the date of joining of the petitioner in the Excise Department 01.10.1985 as per service book of the petitioner.*

   B. *to issue a writ, or direction in the nature of Mandamus directing the respondents to decide the*

*objection / representation of the petitioner (Annexure No. 3 and 4 to the writ petition)*

C. *to issue a writ, order or direction in the nature of Mandamus directing the respondents to give all consequential benefits to the petitioner.*

D. *to issue a writ, order or direction, which this Hon'ble Court may deem fit and proper.*

E. *Award the cost of the writ petition to petitioner.*

3. The submission of the learned counsel for the petitioner, is that petitioner was appointed as Constable on 19.09.1985 in the Excise Department and joined his duties 01.10.1985 in the office of District Excise, Officer, Almora. Petitioner is domicile of the State of Uttaranchal and has been finally allocated State of Uttaranchal. On 15.06.1998, petitioner was promoted to the post of Head Constable and presently is posted as Head Constable, Excise Department, Circle – I, Haridwar.

4. A tentative seniority list was published on 21.02.2004 in which the date of joining of the petitioner as Constable was shown as 10.10.1985 in stead of 01.10.1985.

5. Petitioner has already filed objection / representation to the respondents and requested them to correct the date of his joining. But respondents have not paid any heed and have not corrected the date of joining of the petitioner in the seniority list. On 09.06.2006, respondent no. 3 forwarded the representation of the petitioner dated 09.06.2006 with his recommendation to Deputy Excise Commissioner (Karmik Evam Adhistan), Headquarter.

6. Deputy Excise Commissioner is not party in the present writ petition.

7. In view of the aforesaid circumstances, I think it just and proper to direct the petitioner to make a fresh representation before Excise Commissioner, Dehradun within fifteen days from today and the Excise Commissioner, Dehradun, i.e. respondent no. 2 shall take decision on the representation of the petitioner within a period of three weeks from the date of production of certified copy of this order along representation.

8. With this direction the writ petition is finally disposed of. No order as costs.

**(M.M. Ghildiyal, J)**

June 27, 2006
SKSharma